Scott II-27—58,004—4-11-4

M/29/10

EOH (1947) Department

TLS SERIES.

(23)

G.O. NO. 2399 Edn

Dated 7-11-47

[Despatch Abstract.]

T.E.S. — Abdurahiman Sahib P.V. (on study leave) Appointed as Lecturer in Govt. Muslim College

(2)

From: P.V.Abdurahiman, M.A., B.T.,
(Assistant Lecturer in Mathematics on Study Leave)
Department of Mathematics,
The University,
Manchester, 13, U.K.

To: The Secretary,
Department of Education,
Government of Madras,
Madras.

Through: The Director of Public Instruction,
Madras.

DIRECTOR OF PUBLIC INSTRUCTION
1758 1/47
8 MAY 1947
MADRAS

Sir,

(1) I joined the Govt. Service as Assistant Lecturer in Mathematics, Govt. Brennen College, Tellicherry on 24.6.43, and in August, 1946, I was transferred to Govt. Muslim College, Madras. I served in these institutions to the satisfaction of my superiors. I was sent by the Govt. of Madras for higher studies in Engineering Mathematics under the Govt. of India's scheme (G.O. No. Ms.113 Edn. dated 24.1.47) and I am prosecuting my studies in the University of Manchester.

(2) A post of Lecturer in Mathematics (in M.E.S.) was created in Govt. Muslim College, Madras, early in 1946. As I was the senior most Assistant Lecturer in Mathematics among the Muslims and as according to the Madras Educational Service Rules appointments to the Muslim College, Madras, have to be made from the Muslim Community only, I sent an application to the Director of Public Instruction on 17.6.46, requesting to appoint me to that post. But overlooking my claim Sri P.B.Patnaik was transferred to Muslim College. Again when Sri Patnaik left for United Kingdom for higher studies the post fell vacant and as before I sent an application to the Director of Public Instruction on 1.10.46 with the same request. My claim was again overlooked and a non-Muslim was transferred to Muslim College.

(3) Besides sending the above applications, I represented my case to the Director of Public Instruction in person. My absence from India was only because the Govt. wanted me to undergo the training. I do not find any reason why I should suffer for it and lose my claim for promotion.

(4) In this connection I beg to submit that many appointments were made before applying the above mentioned rule, e.g.: Janab M.I. Hashimi Sahib and Janab Khani Sahib were posted as Lecturers in English and recently Janab Seyed Yakub Sahib was appointed as Lecturer in Physics.

(5) Now I understand that a Muslim gentleman is selected by the Madras Public Service Commission as Lecturer in Mathematics (in M.E.S.) and that he is going to be posted to Govt. Muslim College. Due to my absence from India I did not get a chance to compete in the selection. When I return after my studies I will be completing

five years after joining the service and therefore I will be disqualified from applying for any such selections.

(6) I beg to submit that the Director of Public Instruction in overlooking my claim on the two occasions has done a great injustice to me.

(7) I request you to be good enough to redress my grievance and to pass the necessary orders appointing me as Lecturer in Mathematics, Govt. Muslim College, Madras, with retrospective effect from 17.10.46, the date of commencement of my leave.

(8) I have enclosed copies of the applications sent to the D.P.I. and referred to above.

I beg to remain, Sir,
Yours obediently,

Manchester,
28.4.47.

PRahimman 28-4-47

N.B. Copy forwarded direct to avoid delay.

COPY.

From: P.V.Abdurahiman, B.A.(Hons.) B.T.,
Assistant Lecturer in Mathematics,
Government Brennen College,
Tellicherry.

To: The Director of Public Instructions,
M A D R A S.

Through: The Principal,
Govt. Brennen College, Tellicherry.

Sir,

I beg to submit that I am the seniormost Assistant Lecturer in Mathematics among the Muslims. On 30th March 1946 I completed my period of probation as Assistant Lecturer. I have submitted an application in connection therewith and am awaiting orders.

I understand that a vacancy has arisen in the Government Mohammadan College, Madras in the Madras Educational Service for a Lecturer in Mathematics. I request that I may be appointed in that vacancy as it is in the Mohammadan College and as I am the seniormost Muslim Assistant Lecturer in Mathematics.

I beg to remain,
Sir,
Your most obedient Servant,

Tellicherry,
17.6.1946. (Sd.) P.V.Abdurahiman.

- - - - - - -

Madras,
Dated 1st October 1946.

From: P.V.Abdurahiman, M.A., B.T.,
Assistant Lecturer in Mathematics,
Government Muslim College,
Mount Road, M A D R A S.

To: The Director of Public Instruction,
M A D R A S.

Through: The Principal,
Government Muslim College,
Mount Road, M A D R A S.

Sir,

I understand that the post of Lecturer in Mathematics in Government Muslim College, Madras in the Madras Educational Service is going to be vacant. I request you to be good enough to appoint me to that post.

I am the senior most Assistant Lecturer in Mathematics in the Madras Educational Subordinate Service among Muslims and according to Rule 3 of the Madras Educational Service Rules appointment to a post attached to the Government Muslim College, Madras, should be made from the Muslim Community only.

I passed the B.A. Honours Degree Examination in First Class standing fourth in the Presidency and First in St. Joseph's College, Trichy. I was awarded Fr.Du Ranquet Gold Medal for Proficiency in Mathematics. I passed the B.T. Examination in 1945. I have served for more than three years as Assistant Lecturer including about two months in the Government Muslim College, Madras. I have completed my period of probation. I belong to the Moppila Community which is included in the list of backward classes.

In this connection, I beg to bring to your notice that when

/the .....

(V) 4

the appointment to the above post was made in the last July, my claim was not considered even though I was qualified for the post.

4a

I beg to remain,
Sir,
Your most obedient Servant,

(Sd.) P.V.Abdurahiman.

Asst. Lecturer.

CONFIDENTIAL.

OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTION, M A D R A S.
R.C. No.1758 C1/47 dated 27th May 1947.

Sub: Madras Educational Service - P.V. Abdurahiman Sahib (On study leave) - Claims for appointment as Lecturer in Mathematics - Petition submitted with remarks.

Ref: Petition dated 28-4-47 from P.V. Abdurahiman Sahib, Officiating Assistant Lecturer in Mathematics (On study leave at Manchester)

S u b m i t t e d.

2. As at the time of making the first appointment to the new post of Lecturer in Mathematics, Government Muslim College, Madras, it was considered that the services of a senior and experienced officer were necessary for organizing the Mathematics Department in the Government Muslim College, Madras, in the initial stages, Sri P. Bhaktavatsal Patnaik, a permanent Lecturer in Mathematics was posted to the Government Muslim College. The claims of the petitioner were also duly considered even then and it was considered that he was a very junior officer and the University of Madras might not agree to his being made the head of a department — vide para 3 of my Recommendation Roll C1.No.31/46 dated 19-6-46.

3. When a vadancy arose in the post consequent on Sri P. Bhaktavatsal Patnaik proceeding overseas for advanced studies, the petitioner was also due to sail for the United Kingdom within the same month and hence the question of his appointment to the post did not arise.

4. As the Department of Mathematics has been in existence for nearly one year now and the initial organization of the Department has been completed by senior and experienced non-Muslim officers, there may be no difficulty for a qualified junior officer to carry on the work now. In the above circumstances, but for his absence on study leave, P.V. Abdurahiman Sahib would have been recommended by the Director, for appointment as Lecturer in Mathematics, Government Muslim College, Madras, with effect from the ensuing academic year.

5. In this connection, it may be pointed out that owing to his absence on study leave, the petitioner has also lost the chance of applying for the post of Lecturer in Mathematics in the Madras Educational Service by DIRECT RECRUITMENT.

6. Considering the above circumstances, it is recommended that P.V. Abdurahiman Sahib may be appointed in consultation with the Madras Public Service Commission to officiate as Lecturer in Mathematics, Government Muslim College, Madras, in the Madras Educational Service with effect from 21st June 1947 the date of reopening of the college after the summer vacation, without prejudice to his study leave - vide Rule 8 of the General Rules for the Madras Provincial and Subordinate Services.

for Director of Public Instruction.

To the Secretary to Government, Education and Public Health Department.

R.C.29/5.

Confdl.

LETTER Ref. No. 4576-A-2, dt. 9/87 E & P.H.(E1)DEPT.

To

The Secretary,
Madras Public Service Commission, (with encl.)

Sir,

M.E.S. - Collegiate Sccn. - ~~Appt.~~ Recruitment by transfer — ~~Approval of names.~~

I am directed to forward herewith copies of a representation recd. from P.V.Abdurahiman Sahib, offg.Asst.Lecturer in the M.E.S.S. (now on study leave) and the endt. of the D.P.I. thereon, together with extracts from the Dir.'s previous letter on the subject - No.31/46, dated 19-6-1946, and to request that the MPSC will be so good as to offer its opinion in regard to the suitability of Abdurahiman Sahib for appt. by transfer to the category of Lecturers in the M.E.S.

2. The Dir. is being requested to send to you the personal file of the officer. I am also to request that any further information ~~considered necy. in the matter~~ reqd. by the Commission in the matter may kindly be obtained from the D.P.I. direct.

Y.O.S.,

Copy to the D.P.I. for action W.R.T. ~~the~~ penultimate para 2 ~~sentence~~ of the letter.

(x) Copies of ~~annexed~~
(1) p.1 cf. ① and portion at pp. 2 cf. ②
(2) cf. 1-4 ; and (and/c Secn.)
(3) cf. 5

cf.

a/1-2 cf.

6 / 6a

Confidential (A) Tel: Pubsercom

From
Sri C.Krishnaswami Chetty,
Secretary, Public Service
Commission, Madras-8.

To
The Secretary to the Government
of Madras, Education and Public
Health Department, Madras-9.

No. 5198-B1/47-2, dated 3rd October 1947.

Sir,

Recruitment (Transfer) - Madras Educational Service -
Lecturer in Mathematics - P.V.Abdurahiman Sahib -
Your letter Ref.No.45516-A2, dated 9-8-47.

I am to say that in the Commission's opinion P.V.Abdurahiman Sahib is suitable for appointment by transfer as Lecturer in Mathematics in the Madras Educational Service.

2. The personal file of Abdurahiman Sahib is sent herewith.

Your obedient servant,

Secretary.

Encl: one personal file
(original).

pmr.3/10/47.

SECRETARY, EDN. AND P. H. :: GOVERNMENT OF MADRAS :: 6 - OCT 1947

79658

Edn. and P.T.Dept.(A)

M.E.S. - Abdurahiman Sahib, P.V. (on study leave) - Apptd. as Lecturer, Govt.Muslim College.

Read:- From the DPI, No.1758-C1/47, dated 27-5-47.
From the Secy., M.P.S.C., No.5198-B1/47-2, dated 3-10-47.

G.O.(MS.) No. ~~2299~~ 2399 Edn., dated 7.11.47

P.V.Abdurahiman Sahib, offg. Asst.Lecturer (on study leave), ~~Govt.Muslim College, Madras,~~ is apptd. to officiate as Lecturer in Mathematics, Govt. Muslim College, Madras, in the M.E.S., w.e.f. 21-6-1947.

The appt. has been ordered under rule 8 of the General Rules for the Madras Provl. & Sub. Services and will be subject to the condition mentioned therein.

To the DPI (with a per. file in a st. cover).
" AG
" S.G.P. (for pubn. in the G.O.)
" R.B.
" D. of I. & P.(2 copies)
" Pub.(CL) Dept.
" S., M.P.S.C.

Edn. and P.H.Dept.(A).

C.45516. From the D.PI., No.1758-C1/47, dated 27-5-47.

Mr.P.V.Abdurahiman, Asst.Lecturer in Mathematics (on study leave) - Claim for promotion to the M.E.S. as Lecturer.

ASSISTANT SECRETARY TO GOVERNMENT
28 JUN 1947
2152
EDUC. SECRETARIAT

The remarks of the D.P.I. at p.1 and at portion A at p.2, C.F. of "a", and the notes in para 3 on pp.1-2 and the minutes on p.2, N.F. of "Q", may be read. Mr.Abdurahiman, the seniormost Muslim Asst.Lecturer, now on leave for undergoing further studies at Govt.'s expense in the U.K., has requested that he may be apptd. Lecturer in the Govt.Muslim College, Madras, w.e.f. 16.10.46, the date of commencement of his study leave. In his endt. on the petition, the D.P.I. recommends that the officer may be apptd. as Lecturer, in consultation with the Public Service Commn., w.e.f. 21-6-1947, the date of re-opening of the Muslim College. It seems that, in the circs. now expld. by the Dir., his recommendation may be accepted. Subject to orders, a draft letter to the Commn. is subd. may see before on.

Public (Ser) Dept.

The note above and the draft letter below may be perused.
The file may be returned to E&P.H.

Dept. (A)

May be circulated.

It has been suggested that in the Muslim College specially very junior officers have been promoted as lecturers. Whenever the D.P.I. recommends a man to be appointed as lecturer, he may put in his qualifications

as well as the years of service that he has undergone. If the lecturers are considered to be junior, even though they may be allowed to a higher class, may be continued in the Subordinate Service so that unnecessary heart burning need not be caused. ~~for this matter also, these particulars may be supplied~~ Information may also be given as to normally how many years it takes for officers in the Subordinate Service to get a chance for promotion in the M.E.S. in other colleges.

TSA
8-7-47

The qualfns. of Mr.P.V.Abdurahiman, the Asst.Lecturer proposed in this case, are B.A.(Honours) I class and B.T. He is now undergoing further studies in U.K. (deputed by Govt.) and is likely to get somme additional qualfn. His age is 26 and he has put in four years of service in the Dept.

In the Subordinate Service, collegiate men, on the average, get promoted to the gazetted rank (post of professors and lecturers) ~~between~~ at the age of 47 ~~and~~ years, after serving for nearly 21 years. But this should not be taken as any guide for deciding promotions, the time for which varies according to the subject-units. To illustrate, in subjects like English, where there are a number of posts, transferee-vacancies arise between short intervals, whereas, in units like Sanskrit and Philosophy, which have a very limited number of posts, many Asst.Lecturers may have to retire without getting any chance to officiate in the Provincial Service at all.

Taking the Muslim College, there is some basis for the suggestion refd. to in H.M.'s ~~note~~ minute on previous page. But, the promotions there are being made with refce. only to the Special Rules for the Service, and non-Muslims cannot have any grievance over the matter. According to ~~the~~ Special Rule 3(b), any appointment to be made to the service by transfer in a post attached to the Muslim College ** shall, if a qualified and suitable candidate of the Muslim community is available, be made only from that community. Mr.Abdurahiman is qualified for appt. as Mathematics Lecturer. He is now prima facie considered suitable - by the D.P.I. The Commission has finally

to decide his suitability with refce. to the rule mentioned and make its recommendation to Govt. It is proposed in the draft below to address the Commission for this purpose. This is the procedure adopted in previous cases - Pl. see the notes to G.O.No.1086-Edn., dated 1-6-1946.

The grievance referred to evidently has a basis. The Muslims are appointed to the Muslim institutions because they are Muslims. They are recruited in the General Services at the rate of 2 in 12, i.e. about 15%. Their population is only about 6.7%. I think this sort of thing does work hardship upon the non-Muslim communities. I do not think it is necessary for us to prefer only Muslims to Muslim colleges. It is a very vicious rule. It makes Mussalman colleges water-tight compartments and denationalises them to a certain extent. I do not think this should be allowed in future. If there is such a rule as that, that may be put up for reconsideration.

TSA
18.7.47

HE has discussed this matter with HM(Edn) The file may be circulated again to HM(Edn) to enable him to pass orders on the case of Mr. P.V. Abdurahiman Sahib.

JBBrunt
31.7.47 GS

May be subd. to H.M.(Edn.) for orders.

. As far as Mr. Abdurahiman is concerned, the proposal may be approved but with regard to the general question, the matter may be taken up and pursued and proposals for revision in the light of my previous note may be put up.

TSA
7-8-47

H.M. Edn.'s minutes at the foot of p. 3 ante

The draft letter below may be issued. The file O.d to H.E. after issue. H.M. has separately raised the qn. of amending the rules applicable to appts. in Muslim institutions. A note explaining how the rules came to be framed was subd., but is not linked with this file; it has been retained by H.M. The matter may be pursued in that connection. Extracts from this file will be taken for use there.

7.8.47

8/8/47

8/8/47

H.E's approval may be presumed

J.B. Bruce
13.8.47 ES

H.E. (Ar.)

Issued as letter No. 4851-A-2, dt—9.8.47

14 AUG 1947
GOVERNMENT OF MADRAS

0833/14/8

From the ~~Secretary~~ Secy., M.P.S.C., No.5198-B1/47-2, dated 3-10-~~47~~-1947.

C.F.7

The Public Service Commission opines that P.V.Abdurahiman Shaib is suitable for appointment by transfer as Lecturer (Math.) in the M.E.S. Subject to orders, draft appointing the officer as lecturer Muslim College, as recommended by the DPI at C.F.5 is subd.

May be circd.

[The general question is being considered separately.]

8/11/47.

8/11/47

6/11/47

14 (Ar.)

Sent to Public 1/11/47

6/11/47

T.S.A.
6.11.47

GOVERNOR'S SECRETARIAT
18 AUG 1947
621C

(With a personal file)

6.11.47.

C 1103/47

d 28/11/47

11

13

11A

From

S. Isaac, M.A., L.T.;
and
C.V. Lobo, M.A.,
Assistant Professors of Mathematics,
Presidency College, Madras.

DIRECTOR OF PUBLIC INSTRUCTION
29 NOV 1947
MADRAS

To

The Secretary to Government,
Education Department,
Fort St. George, Madras.

Through,

The Director of Public Instruction, Madras.
and

Through,

The Principal, Presidency College, Madras.

Sir,

It is a matter of keen disappointment and deep sorrow to us who are the seniormost among the Assistant Professors of Mathematics in the Subordinate Educational Service, that two consecutive appointments of Muslims to the Madras Educational Service have been made within a period of three months, the first that of Mr. Abdur Rahiman, Officiating Assistant Lecturer, on study leave, as lecturer in Mathematics, Government Muslim College, Madras, with effect from 21st June, 1947 (ordered on November 7, 1947) and the second that of Mr. Shabeer Hussain as Lecturer in Mathematics, Government Muslim College, Madras, ordered on August 12, 1947. We set out below the circumstances in which the two appointments were made, and we pray that in the interests of true justice, you may order one of the appointments to be cancelled immediately.

2. In June 1946 when the B.Sc., courses of study were opened in the Muslim College, Government sanctioned three gazetted posts, one of them being Lecturer in Mathematics. Mr. Abdur Rahiman who was an Assistant Lecturer in Mathematics in the Brennen College, Tellicherry, pressed his claim for recruitment by transfer to the above post but was told by the Director of Public Instruction that as his experience of teaching was short (about a year) he could not get the Madras Educational Service post.

3. In December 1946, the Madras Public Services Commission advertised a post of Lecturer in Mathematics to be filled by direct recruitment and, among others, Mr. Shabeer Hussain, an officiating Assistant Lecturer in Mathematics, undergoing L.T. training, applied and was eventually selected and recruited on August 12, 1947. Mr. Rahiman, hearing of the advertisement made a representation to the Government from England to the effect that if he had been in India, he would have been eligible to apply, that he was senior to Mr. Hussain and that therefore his claim for direct recruitment should be considered.

4. In this circumstance, the obvious and just course for Government to adopt would have been to ask the Commission to consider the cases of both for direct recruitment and to recommend to the Government for appointment the more suitable of the two. Instead, for reasons unknown to us, the representation was held up till the beginning of this month, when to our surprise and dismay Government ordered on November 7, 1947 that Mr. Rahiman was to be Lecturer in Mathematics, Muslim College, with retrospective effect from 21st June, 1947.

5. When Mr. Rahiman's protest was under the consideration of Government, they were aware that a Muslim had already been selected by the Commission (who under the Standing Orders had to be posted to the Muslim College), in as much as the Commission had sent up names to Government in March 1947, and proposals for ...ting Mr. Hussain to the Muslim College had been sent by the Director of Public Instruction in May 1947, and at the time Mr. Rahiman's appointment was ordered Government knew that Mr. Hussain was actually doing duty in the post of Lecturer in the Muslim College. The post in the Muslim College sanctioned temporarily in June 1946 was held by Mr. Patnaick, a permanent member of the M.E.S., from June 1946 till about October 1946, when it was filled by a promotee (Mr. V.R. Srinivasa Raghavan) who held it till the date of his relief by the direct recruit, Mr. Hussain, about August 20, 1947. So the post was actually held by some one or other till

P.T.O.

-25-1 (IV) 2/CF8 12a 2 14

August 20, 1947. In the notification, dated November 7, 1947, it has been stated that Mr. Rahiman has been appointed Lecturer in Mathematics, Muslim College, with retrospective effect from June 21, 1947. This appointment made with effect from June 21, 1947 is clearly wrong and unfair because the post was held by others till August, 1947, when Mr. Hussain was appointed, and hence there was no necessity to show Mr. Rahiman against the post from 21st June 1947. Therefore the appointment of Mr. Rahiman, with effect from June 21, 1947 under Rule 5 (b) of the Madras Educational Service Rules is, in our view, a clear viola
B1.113 of the spirit of the rule and done with the purpose of favouring Mr. Rahiman.

6. In this connection we beg to state that Mr. Rahiman was a student of the second memorialist and passed out only in 1942 and that Mr. Hussain who graduated from the Presidency College in 1945 just escaped being our student and hence the sense of frustration caused in us by the appointment of these two can better be imagined than described.

In view of what has been said above we pray that the appointment of Mr. Rahiman be cancelled or the cases of the two be referred again to the Commission to select the better of the two for the single direct recruitment vacancy.

We beg to remain,
Sir,
Your most obedient servants,

S. Isaac
26.11.47.

C. Dhoba
26.11.1947.

Presidency College, Madras.
25th November, 1947.

forwarded.

There appears to be a case of genuine grievance of the facts are as stated. The unnecessary appe from a community will naturally block the ca of men from the communities, particularly in permanent are more in a particular subj mathematics), where the chances are few & f

B.S.H. Rahman
27.1
Principal
Presidency College, Ma

NRC 1103/47.
d 28/11/47

CONFIDENTIAL.

R.Cl.No.68/47

Office of the
Director of Public Instruction,
M a d r a s, 13th December 1947.

SUB:- Madras Educational Service - P.V. Abdur Rahiman Sahib - Appointment as Lecturer in Mathematics by Transfer - Appeal against the - Submitting.

REF:- Appeal petition dated 28-11-47 from Messrs. S. Isaac and C.V. Lobo, Assistant Professors, Presidency College, Madras, and Endorsement NRC.No.1103/47 dated 28-11-47 of the Principal, Presidency College, Madras.

Submitted.

2. The attention of Government is invited to the Director's Endorsement R.C.No.1758 C-1/47 dated 27-5-1947 and to the Government Orders, No.Ms.2399, Education, dated 7-11-1947 regarding the appointment of Mr. P.V. Abdur Rahiman as Lecturer in Mathematics, Government Muslim College, Madras, under Rule 8 of the General Rules for the Madras Provincial and Subordinate Services. Mir Shabeer Hussain Sahib Bahadur was appointed as Lecturer in Mathematics in the Madras Educational Service by Direct Recruitment - vide: G.O.Ms.1862, Education, dated 25-8-1947.

3. It is unfortunate that owing to the purely accidental selection of a Muslim to the Madras Educational Service as Lecturer in Mathematics by Direct Recruitment, the claims of the petitioners who are by far senior to Messrs. P.V. Abdur Rahiman and Mir Shabir Hussain in the Subordinate Educational Service, have been adversely affected. But it is submitted the merits of each of the two appointments have to be considered separately. So far as the appointment of Mr. Mir Shabir Hussain is concerned, irrespective of Mr. P.V. Abdur Rahiman's claims for appointment to the Madras Educational Service by Transfer, the former's selection to a post reserved for Direct Recruitment was considered and he was selected by open competition. In this connection it may be submitted that out of the 4 posts in the Madras Educational Service advertised for Direct Recruitment last year one of the posts was required to be filled by a

by a Muslim and it was purely accidental that the Muslim selected was for the Mathematics vacancy.

4. So far as Mr. P.V. Abdur Rahiman's appointment is concerned, it may be submitted that had he been present in India, he would have been ordinarily recommended for appointment as Lecturer in Mathematics in the Government Muslim College, Madras, irrespective of the appointment of candidates by Direct Recruitment. But it may be pointed out that according to a ruling recently issued by Government (vide: D.O.No.86317 A2, Education, dated 8-11-1947), it might be taken that it is incumbent on Government to appoint Mr. P.V. Abdur Rahiman as Lecturer in Mathematics only if he was 'available'; and in the present case he could have been taken as 'not available' as he was away on study leave overseas. Though his absence and non-availability' was not due to his fault, his promotion does not appear to be correct in view of the later ruling given by Government regarding the interpretation of "availability".

5. In the above circumstances, it is for Government to decide whether the appointment of Mr. P.V. Abdur Rahiman in the Madras Educational Service should be cancelled, not so much in view of the orders in G.O.Ms.No.2591, Education, dated 3rd November 1947 deleting the special provisions for appointment of Muslims to the Madras Educational Service but in view of the fact that Mr. Abdur Rahiman was 'not available' for posting to the Government Muslim College.

S Ranganathan.
Director of Public Instruction,
Madras.

To

The Secretary to Government,
Edn. & Pub. Health Department,
Fort St. George, MADRAS.

Secretary, E.& P.H.

Please see herewith a representation from the Asst. Professors of Mathematics, Presidency College. The matter may be examined and put up.

6.2.48

H.M. Edn.

SECRETARY, EDN. AND P.H. DEPT. 6 FEB 1948 GOVERNMENT OF MADRAS

From

S. Isaac, M.A., L.T.,
and
C.V. Lobo, M.A.,
Assistant Professors of Mathematics,
Presidency College, Madras.

To

The Honourable Minister for Education,
Fort St. George, Madras.

Sir,

In your reply dated 10th December 1947, to our letter of the 8th December 1947, requesting you to grant us an interview regarding our memorial protesting against the consecutive appointments of two Muslims to the Mathematics Branch of the M.E.S., you were pleased to state that you had not received our memorial till the 10th and that we could see you after it was received in the Secretariat.

The Director, Mr. D.S. Reddi, whom we interviewed after the receipt of your reply has informed us that the memorial has been submitted by him with his recommendation to the Education Department of the Secretariat.

We are sending you an advanced copy of the memorial for your kind perusal and we are requesting you to grant us an interview to enable us to clarify the points raised in our memorial.

Thanking you,

Yours obediently,

S Isaac

C V Lobo

Presidency College, Madras.
22nd January, 1948.

Same as p. 1 ante

(16)

From

S. Isaac, M.A., L.T.,
and
C.V. Lobo, M.A.,
Assistant Professors of Mathematics,
Presidency College, Madras.

To

The Secretary to Government,
Education Department,
Fort St. George, Madras.

Through,

The Director of Public Instruction, Madras.
and

Through,

The Principal, Presidency College, Madras.

Sir,

It is a matter of keen disappointment and deep sorrow to us who are the seniormost among the Assistant Professors of Mathematics in the Subordinate Educational Service, that two consecutive appointments of Muslims to the Madras Educational Service have been madewithin a period of three months, the first that of Mr. Abdur Rahiman, Officating Assistant Lecturer, on study leave, as lecturer in Mathematics, Government Muslim College, Madras with effect from 21st June, 1947 (ordered on November 7, 1947) and the second that of Mr. Shabeer Hussain as Lecturer in Mathematics, Government Muslim College, Madras ordered on August 12, 1947. We set out below the circumstances in which the two appointments were made, and we pray that in the interests of true justice, you may order one of the appointments to be cancelled immediately.

2. In June 1946, when the B.Sc., courses of study were opened in the Muslim College, Government sanctioned three gazetted posts, one of them being Lecturer in Mathematics. Mr. Abdur Rahiman who was an Assistant Lecturer in Mathematics in the Brennen College, Tellicherry, pressed his claim for recruitment by transfer to the above post but was told by the Director of Public Instruction that as his experience of teaching was short (about a year) he could not get the Madras Educational Service post.

3. In December 1946, the Madras Public Services Commission advertised a post of Lecturer in Mathematics to be filled by direct recruitment and, among others, Mr. Shabeer Hussain, an officiating Assistant Lecturer in Mathematics, undergoing L.T. training, applied and was eventually selected andrecruited on August 12, 1947. Mr. Rahiman, hearing of the advertisement made a representation to the Government from England to the effect that if he had been in India, he would have been eligible to apply, that he was senior to Mr. Hussain and that therefore his claim for direct recruitment should be considered.

4. In this circumstance, the obvious and just course for Government to adopt would have been to ask the Commission to consider the cases of both for direct recruitment and to recommend to the Government for appointment the more suitable of the two. Instead, for reasons unknown to us, the representation was held up till the beginning of this month, when to our surprise and dismay Government ordered on November 7, 1947 that Mr. Rahiman was to be Lecturer in Mathematics, Muslim College, with retrospective effect from 21st June, 1947.

5. When Mr. Rahiman's protest was under the consideration of Government, they were aware that a Muslim had already been selected by the Commission (who under the Standing Orders had to be posted to the Muslim College), in as much as the Commission had sent up names to Government in March, 1947, and proposals for posting Mr. Hussain to the Muslim College had been sent by the Director of Public Instruction in May 1947, and at the time Mr. Rahiman's appointment was ordered ~~xxxxxxxx~~ Government knew that Mr. Hussain was actually doing duty in the post of Lecturer in the Muslim College. The post in the Muslim College sanctioned temporarily in June 1946 was held by Mr. P. Naick, a permanent member of the M.E.S. from June 1946 till about October 1946, when it was filled by a promotee (Mr. V.R. Srinivasa Raghavan) who held it till the date of his relief by the direct recruit Mr. Hussain about August 20, 1947. So the post was actually held by some one or other till August 20, 1947. In the notification, dated November 7, 1947, it has been stated that Mr. Rahiman has been appointed Lecturer, in Mathematics, Muslim College, with retrospective effect from June 21, 1947. This appointment made with

P.T.O.

Same as P. 2 ante

(17) 20

effect from June 21, 1947 is clearly wrong and unfair because the post was held by others till August, 1947, when Mr. Hussain was appointed, and hence there was no necessity to show Mr. Rahiman against the post from 21st June 1947. Therefore the appointment of Mr. Rahiman, with effect from June 21, 1947 under Rule 3 (b) of the Madras Educational Service Rules is, in our view, a clear violation of the spirit of the rule and done with the purpose of favouring Mr. Rahiman.

6. In this connection we beg to state that Mr. Rahiman was a student of the second memorialist and passed out only in 1942 and that Mr. Hussain who graduated from the Presidency College in 1945 just escaped being our student and hence the sense of frustration caused in us by the appointment of these two can better be imagined than described.

In view of what has been said above we pray that the appointment of Mr. Rahiman be cancelled or the cases of the two be referred again to the Commission to select the better of the two for the single direct recruitment vacancy.

We beg to remain,
Sir,
Your most obedient servants,

S. Isaac.
C. Kobo

Presidency College, Madras.
25th November, 1947.

(True Copy)

Confidential.

EDUCATION DEPARTMENT.

From

D.S. REDDI, ESQ., M.A.(Oxon.),
Director of Public Instruction,
Madras.

SECRETARY, EDN. AND P. H. DEPT. GOVERNMENT OF MADRAS
15 MAR 1948

To

The Secretary to Government,
Education and Public Health Department,
Madras.

R.CL. No.68/47, Dated the 13th of March, 1948.

Sir,

Subject:- Madras Educational Service - P.V. Abdurahiman Sahib - Appointment as Lecturer in Mathematics: by Transfer - Appeal against the -

***

I have the honour to invite ~~the~~ your attention ~~of Government~~ to the Director's Confidential Endorsement R.CL.No.68/47, dated 13th December 1947 on the subject cited above, and request you to let me know when orders of Government may be expected.

I have the honour to be, Sir,
Your most obedient servant,

P. [illegible]

NB/12-3.

For DIRECTOR OF PUBLIC INSTRUCTION.

Confdl.

Memo.No. 99118-A-2, dt - 18-[illegible]

E (PH (A))

Sub:- M.E.S. - Petn. of [illegible] two Officers against appt. of Mr. P.V. Abdurahiman as Lecturer in Maths.

Ref:- from the D.P.I., No. 68/47, dt. 18-[illegible]

The matter is under consideration and it will take some time for orders to be issued.

PS 16.3.48 Hom 16/3/48

DSW 17/3/48

[illegible] 16/3

O.N. File in Ors.

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(19) 19[illegible]

Edn. and P.H. Dept.(A).

MEMO.No. 99118-A-3, dt - 1.[illegible]

M.E.S. - Post of Lecturers in Maths. - Appt. by transfer of P.V.Abdurahiman Sahib - Petn. of M/s. S.Isaac and C.V. Lobo.

Ref:- From the DPI, No.68/47, d/- 13-12-47.

The request made by Mr.S.Isaac and Mr. C.V.Lobo, Asst.Profs., Presy. College, Madras, in their petn. dated 25/26-11-47, cannot be granted. The D.P.I. is requested to inform them accordingly.

Ft.3-4 cc

A at Ft. 5 nf.

Ft.1-2 cc

To the DPI. 2.4.48

PS 26.3.48 Hom 30/3/48

DSW 30/3/48

From the D.P.I., No.68/47, dated 13-12-1947.
From M/S. S. Isaac & C.V. Lobo, Asst. to H.F. (Edn.), dt - 22 - . 48.

M.E.S. - Appt. of Lecturers in Mathematics - Petn. from 2 Asst. Profs. ~~Lecturers~~.

Mr. S.Isaac and Mr. C.V.Lobo, Asst.Profs. in the M.E.S.S. have sent to Govt. a representation against the appointments, ordered recently, of Mr.P.V.Abdurahiman and Mr. Mir Shabeer Hussain as Lecturers in Mathematics in the M.E.S. The history of the case is set out below.

2. A substantive vacancy in the category of Lecturers in Mathematics in the M.E.S., which shd. be filled by direct recruitment, was advertised, at the instance of Govt., by the M.P.S.C. It so chanced that the person selected by the Commission for the vacancy belonged to the Muslim community; that community became entitled to the post, under the rule of communal rotation, previous vacancies in the service having been filled by communities occupying places in the communal roster above the Muslim community. The selection of the Muslim candidate was approved by Govt. - on 10-5-47.

3. A few days after, a petition from Mr.P.V.Abdurahiman, Asst.Lecturer in the Sub. Service, requesting that he shd. be promoted as Lecturer in Mathematics in the tempy. post in the Govt. Muslim College, Madras, was recd. That officer was then undergoing studies in U.K., having been deputed to that country by Govt. There were some non-Muslims senior to Mr.Abdurahiman in the Asst.Lecturers' (and Asst.Profs.') category, and ordinarily he could not expect promotion as Lecturer only after they had had their chances. But the post to which he asked for appointment was in the Muslim College; and it should be filled, under General Rule 5(a), by the method "Recruitment by transfer" (and not by "direct recruitment") by reson of its tempy. character - and under rule 3(b) of the M.E.S.Spl. Rules, which was in force then, only by a candidate of the Muslim community if a qualified and suitable candidate of that community was available, by reason of its existence in a Muslim institution. Mr.Abdurahiman's claims for that post had already been considered when it fell vacant twice before; but on those occasions he was regarded as a very junior officer to agree and therefore non-Muslims from other institutions were transferred to it on the ground that no qualified and suitable Muslim was available.

On

On the petn., however, the D.P.I. remarked as follows:-

"As the Dept. of Math. (in the Muslim College) has been in existence for nearly one year now and the initial organization of the dept. has been completed by senior and experienced non-Muslim officers, there may be no difficulty for a qualified junior officer to carry on the work now. ** but for his absence on study, P.V.Abdurahiman Sahib would have been recommended by the Director for appt. as Lecturer ** with effect from the xxx ensuing academic year.

"In this connection, it may be pointed out that owing to his absence on study leave, the petitioner has also lost the chance of applying for the post of Lecturer in Maths. ** by direct recruitment ** .

"Considering the above circs., it is recommended that P.V.Abdurahiman Sahib may be apptd. in consultation with the M.P.S.C. to officiate as Lecturer in Maths., Govt.Muslim College, with effect from 21st June 1947."

The M.P.S.C., which was consulted as suggested by the Dir., found Mr.Abdurahiman suitable for the Lecturership. Thereupon, the officer's appt. as Lecturer in the Muslim College, w.e.f. 21-6-47, without prejudice to his being on study leave, was ordered - on 7-11-47. The appt. was subject to General Rule 8; to express it briefly, it was a 'paper appt.'; he will hot be benefitted in the matter of pay so long as he remains on leave, and he will have to undergo the prescribed probation on return from leave.

4. When the Dir.'s recommendation extract, above, about Mr. Abdurahiman, was pending with Govt., w.r.t. the approval of the selection of Mr.Shabeer Hussain for direct recruitment, refd. to in para 2 above, the Dir. subd. proposals for the latter's posting. As already stated, Mr.Shabeer Hussain was selected, not against the Muslim College vacancy, but against a substantive vacancy. Despite that fact, no objection could be taken if, for administrative convenience, he was posted to any vacancy in any college including the Muslim College. The Dir. suggested his appt. in the Muslim College itself, in the tempy. vacancy, the non-Muslim Lecturer already offg. therein being transferred - evidently in order that the rule about appointments to Muslim institutions might be fully satisfied. That suggestion was accepted - on 12-8-47, i.e., about 3 months before giving 'paper appt.' to Mr.Abdurahiman.

5. To an outsider, it would appear as if two individuals of the same community had been apptd. to one and the same post. Messrs. Isaac and Lobo, whose petn. are at pp.1-2 C.F., view the matter, naturally, from such an angle, and express the view that Mr.Abdurahiman's appt. was clearly wrong and unfair etc., and was done with the purpose of favouring him. In the face of the facts and events narrated above, it can be clearly seen that there was no relation whatever between the two appointments - one of

which was by direct recruitment and the other by transfer; that the selection for direct recruitment of a Muslim candidate (Mr.Shabeer Hussain) was purely accidental; and that even if Mr.Shabeer Hussain was not posted to the Muslim College, he should have been provided with a vacancy in some other college; and further that Mr.Abdurahim was given an appointment because he was entitled to that under the rules as they stood then and the Dir. recommended it and the Commission found him suitable.

6. The other statements of Messrs. Isaac and Lobo in paras 3 (latter part) and para 4 of their petition are wrongly based. They argue that the Comm. should have been asked to the consider the claims of both the Muslim candidates for direct recruitment together, and select the more suitable of the two. As against this, it has to be pointed out that only after Mr.Shabeer Hussain's selection was made Mr.Abdurahiman's representation was recd. and that the latter's request was only for appt. by transfer.

7. The information given in para 6 of the petn. (C.F.2) would not, either, go against the Muslim candidates. The student of an Asst.Lecturer coming up in his time as a Lecturer, whereas the Asst.Lecturer continues to remain in that grade, is not uncommon in the Edn. Dept.

8. It is not also as if the injustice rendered to non-Muslim officers by the operation of the rule re: appointments to Muslim institutions, refd. to above, was lost sight of while Mr.Abdurahiman's case was dealt with. On the other hand, the question of abrogating the special provisions in the M.E.S. and the M.E.S.S.Rules for the appt. of Muslims to Muslim institutions, originated from Mr.Abdurahiman's file. While his case was approved more or less as a special one, the rules were subsequently scrapped in Dec. 1947. Under the rules as they now stand after amendment, non-Muslims can be apptd. as easily to the Muslim College as to any other institution.

9. Coming to the exact request of the petitioners, they wish -

(1) that the appt. of Mr.Abdurahiman shd. be cancelled; or

(2) that Mr.Abdurahiman's case and Mr.Shabeer Hussain's shd. be refd. again to the Comm. to select the better of the two for the single direct-recruit vacancy.

The latter alternative cannot be considered - one reason being above, another being that such a course will be against the rules, and

the third being that it would be very unfair to cancel Mr.Shabeer Hussain's appt. now if it comes to that. The D.P.I. who has offered his remarks on the petn. - pp.3-4/cf may be perused - also seems to be ~~xx~~ inclined to this view. re: Mr.Shabeer Hussain.

About the request to cancel Mr.Abdur Rahiman's appt., portions A & B on p.2 ante & I on p.3 ante above need re-iteration. Cf. in this connection opening sentence of para 4 of the D.P.I.'s endt. at C.F.4. Also, ~~the fact that the fact xxxx~~ the fact that the rule re: appt. to Muslim institutions were subsequently deleted does not affect his appt. already notified: the Dir. too agrees on this point. The Dir.'s remarks which need specific attention are the follg:-

C.F.4

M/cf.13-14

> "According to a ruling recently issued by Govt. (Vide: D.O.No. 86317-A-2-Edn., d/- 8-11-47), it ~~xxx~~ might be taken that it is incumbent on Govt. to appoint Mr.P.V.Abdur Rahiman as Lecturer in Maths. only if he was 'available'; and in the present case he could have been taken as 'not available' as he was away on study leave overseas. Though his absence and 'non-availability' was not due to his fault, his promotion does not appear to be correct in view of the later ruling given by Govt. re: the interpretation of 'availability'.
>
> "In the above circs., it is for Govt. to decide whether the appt. of Mr.P.V.Abdur Rahim in the M.E.S. should be cancelled, not so much in view of the orders in G.O.Ms.No.2590-Edn., d/- 3-12-47, deleting the special provns. for appt. of Muslims to the M.E.S., but in view of the fact that Mr.Abdurahiman was 'not available' for posting to Govt. Muslim College."

Y/cf 10

The paper in which the ruling refd. to by the Dir., was given was not seen by Pub. (Ser.) or Legal and ~~xxxx~~ the ruling cannot be regarded as ~~xxx~~ a legal interpretation of the rule. Moreover, it was not a general ruling: it related only to a particular case of transfer. ~~of the rules~~. In any case, it was given only after Mr.Abdurahiman ~~xxxxxx~~ was selected and appointed, and it is not proper or fair to disturb cases disposed of previously w.r.t. a ruling subsequently issued.

M/cf 13-14
The Valid('ity) of the ruling may be questioned in particular context.

Moreover, if Mr.Abdurahiman's appt. shd. be cancelled, the Commn. will have to be consulted and it is not likely to agree easily.

10. Notwithstanding all the above, it is true that the position of the petitioners who are by far seniors to Mr.Abdurahiman in the Subordinate Service is a little hard. Both the names of Mr.Issac and Mr.Lobo are on the approved list for appt. as Lecturers in Maths. and it is likely that they will get 'promoted' actually at least before the close of 1949. Seniority of the officers in the M.E.S. should, however, be decided w.r.t. the date of their first appt. to the Service - General rule 29(a). Even though Mr.Abdurahiman was apptd. as Lecturer in the Muslim College, he will have to be deemed senior to the petitioners when the latter also enter into the M.E.S. in due course. The only favour which it seems can be done to the petitioners is to relax the seniority rule in favour, their s against Mr.Abdurahiman, after they are apptd., in order that for further

cf para 3 cf. 3

p.154, SR.112

Rahman's leave in service is duly counted for his appointment. The Valid('ity) of the long spaces are inevitable & cannot be helped: the words explanation to justification for relaxation of Rules in favour of Petitioners

(2) 22a no letter/as 28

promotion (as Principal, etc.) and for confirmation, they may exercise a better claim than Mr. Abdurahiman. It is for orders whether the petrs. may be informed that their requests cannot be granted but that the Govt. may be addressed on X above at the appropriate stage.

11. Pub.(Ser.) ~~xxxxxx~~ may see for remarks before circn.

Pl. clear in the Reviews as per p.4 ante. Pl. may be informed accordingly. Ext. Emi request cannot be granted. pg 13.2.48 pg 5/2/48

17/2/48 S

Pub. (Ser.)

Edn. & G.H. Deptt. A

Pl. This dept may agree with the views of E & P Secretary at the foot of pp ante & above.

E & P Secretary's D.O.No. 93118-A-1 18.2.48

19.2.48

The file may now be circulated for orders.

Pub(Ser-A) W.O. 687/1948 23.2.48.

P.G. 23/2/48

pg 24.2.48 Pl. arrange.

ASSISTANT SECRETARY TO GOVERNMENT 19 FEB 1943 PUBLIC DEPARTMENT

Box/2300

SECRETARY, BOARD OF REVENUE (B.T. & M.) 6 MAR 1948 GOVERNMENT OF MADRAS

This seems to be a hard case and I find there is also no justification in prefering ~~xxx~~ Mr. Abdurahiman over the claims of Mr. Lobo. The D.P.I's opinion may be asked for in the matter.

5.3.48

The remarks of the D.P.I. in the matter are on pp.3-4 C.F. (extract at p.4 ante). He offered those remarks when he forwarded the petition of M/s. Isaac and Lobo. He has left the matter for Govt. to decide. In the notes on pp.3-4 ante, it has been * how it should be conceded that Mr. Abdurahiman's appointment

as valid. As things stood, there was no question of preferring Mr. Abdurahiman to Mr. Isaac or Mr. Lobo. On pp.3-4 ante, it has also been stated that it would not be proper or fair to cancel the appt. now.

May be re-submitted to H.M. for orders.

SECRETT, REVN. AND P.U. DEPT.
20 MAR 1948
GOVERNMENT OF MADRAS

A draft Memo. is sent

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